

### **REMARKS**

This document is a response to a non-final Office action that was mailed on June 5, 2007.

Claim 1 stands rejected under 35 USC §102(e) over U.S. Publication No. 2001/0027449 to Wright (Wright).

Claims 2-12 stand rejected under 35 USC §103(a) over Wright in view of U. S. Publication No. 2003/0069788 to Han (Han).

According to MPEP §2131, "to anticipate a claim, the reference must teach every element of the claim." A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)

To determine obviousness under 35 USC §103(a), "the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007) quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (Sup. Ct. 1966).

Preliminarily, the applicant notes that Wright does not qualify as a 35 USC §102(e) reference against the present application. While the present application has a priority date of May 16, 2000, Wright has a priority date of January 22, 2001. The parent provisional of Wright, provisional application No. 60/177475, does have a filing date before the priority date of the present application. However, sections of Wright which the Examiner relies upon in many claim rejections are not present in the provisional application No. 60/177475.

Notwithstanding that Wright does not qualify as a reference, the applicant traverses the rejections over Wright for purposes of demonstrating insufficiency of claim

rejections and for the contingency that the Examiner argues that each relied on section of Wright has a basis in the provisional application No. 60/177475 (which it does not).

With respect to independent claim 1, the claim recites elements related to a "charging table which includes information on an Internet access method, a method for displaying information for charging, and a charging method associated with Internet access is periodically transmitted to the information terminal," in combination with numerous additional limitations. Relative to the above combination, the Examiner has made a reference to Wright which teaches an Internet usage metering device metering time, event or functional units; the metering device creating usage description records, and forwarding the records to a rating device and other billing applications; the rating device rating the services provided to the consumer based on a rating plan. (Paragraphs 26-28) The applicant respectfully asserts that the Examiner at least failed to show where in the relied upon reference there is a teaching of a "charging table which includes information on an Internet access method, [and] a method for displaying information for charging."

Further with respect to independent claim 1, the claim recites elements related to a "customer select[ing] desired information from the information in the transmitted charging table," in combination with numerous additional limitations. Relative to the above combination, the Examiner has made a reference to Wright which teaches a consumer using a PC to access the Internet; an Internet Service Provider (ISP) mediating the service, metering the service usage by the consumer, and transmitting the usage data to a server associated with a provider of instantaneous Internet charging services (IICSP). (Paragraph 9) The applicant respectfully asserts that the Examiner at least failed to show where in the relied upon reference there is a teaching of a "customer select[ing] desired information from the information in the transmitted charging table."

Since independent claim 1 arguably distinguishes over the combination of Wright and Han, as a matter of law the dependent claims 3-12 also distinguish over the combination of Wright and Han.

With respect to independent claim 2, the claim recites elements related to "an Internet access service providing method, an advertisement distribution method, and the charging method associated with Internet access [being] changed according to the state of Internet usage by the customer and the result of the selection by the customer of the desired information in the charging table," in combination with numerous additional limitations. Relative to the above combination, the Examiner has made a reference to Han which teaches an internet advertising system comprising

a first process module for user's information to process the login of user or to provide and treat the information of user into the above user information database and/or statistical analysis database for advertisement; a second process module for motion picture advertisement to receive a multi-casting motion picture ad transmitted by the advertising server in real time and displaying it on the said advertising window; a third process module for motion picture click event registering the click event of said statistical analysis database and requiring the said click event web server to transmit event web pages when a user of the client computer clicks the advertising window frame; and a fourth process module for web document to display the web document transmitted by the above click event web server or other external web server through a window frame of the said web browser. (Paragraphs 8-12)

The applicant respectfully asserts that the Examiner at least failed to show where in the relied upon references there is a teaching of "an Internet access service providing method, an advertisement distribution method, and the charging method associated with Internet access [being] **changed** according to the state of Internet usage by the customer and the **result of the selection by the customer of the desired information in the charging table.**"

With respect to claim 3, the claim recites elements related to "in the information terminal . . . an access setting database having an access table which includes information on plural providers such as phone numbers, ID numbers, passwords,

thereby automatically changing a provider.” Relative to the above combination, the Examiner has made a reference to Wright which teaches a rating device employed by an ISP transmitting usage information to the consumer’s connection device, and to a billing application. (Paragraphs 29, 33-38) The applicant respectfully asserts that the Examiner at least failed to show where in the relied upon reference there is a teaching of “in the information terminal . . . an access setting database having an access table which includes information on plural providers such as phone numbers, ID numbers, passwords, thereby automatically changing a provider.”

While the applicant herein may have highlighted a particular claim element of a claim for purposes of demonstrating an insufficiency of an examination on the part of an Examiner, the applicant’s highlighting of a particular claim element for such purpose should not be taken to indicate that the applicant has taken the position that a particular claim element constitutes the sole basis for patentability out of the context of the various combinations of elements of the claim or claims in which it is present.

Further to the above, the applicant emphasizes that the primary reference relied upon by the Examiner in claim rejections, Wright, does not qualify as a 35 USC §102(e) reference against the present application. Should the Examiner wish to maintain rejections over Wright, the Examiner is respectfully requested to base the arguments upon the U.S. Provisional Patent Application No. 60/177475, rather than upon U.S. Publication No. 2001/0027449.

Claim 2 is amended to address a minor typographical error. Claim 3 is amended to address a minor informality. The claim amendments are editorial in nature and neither alter the scope of the claim nor add new matter. Since the claim amendments do not alter the claim scope, the claim amendments will not be regarded as “narrowing” claim amendments.

A telephone interview was held on August 29, 2007 between Examiner Abdul Basit and applicant's representatives George S. Blasiak and Dmitry Andreev. At the interview, none of the arguments presented in this amendment were contravened by the Examiner. Please see concurrently filed Communication to Record Substance of Interview.

Further to the above, the applicant notes that June 5, 2007 Office action does not contain any reference to the dependent Claims 13-22. The Examiner is respectfully asked to indicate whether the dependent Claims 13-22 are allowed or rejected.

Accordingly, in view of the above amendments and remarks, the applicant believes all of the claims of the present application to be in condition for allowance and respectfully request passage to allowance of the application.

If the Examiner believes that contact with the applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call the applicant's representative at the phone number listed below.

The applicant believes that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0289 from which the undersigned is authorized to draw.

Dated: September 5, 2007

Respectfully submitted,

By   
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